

APR 12 2016

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

OLUYOMI ADEOLU MARTINS,
Petitioner,

Civil Action No. 7:15-cv-00484

v.

MEMORANDUM OPINION

HAROLD W. CLARKE,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

Oluyomi Adeolu Martins had filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge the Virginia Department of Corrections' ("VDOC") time calculations for his term of incarceration. Respondent filed a motion to dismiss, alleging, inter alia, that Petitioner's release from incarceration was expected to occur on January 19, 2016. Respondent has since filed a notice that Petitioner has been released from the term of incarceration challenged by the petition.

"[A] federal court has neither the power to render advisory opinions nor 'to decide questions that cannot affect the rights of litigants in the case before them.'" Preiser v. Newkirk, 422 U.S. 395, 401 (1975) (quoting North Carolina v. Rice, 404 U.S. 244, 246 (1971)). Federal courts are "not empowered to decide moot questions or abstract propositions. . . ." California v. San Pablo & Tulare R.R., 149 U.S. 308, 314 (1893). "Moot questions require no answer." Mo., Kan. & Tex. Ry. v. Ferris, 179 U.S. 602, 606 (1900). The question of how the VDOC calculated the sentence is moot now that Petitioner has already served that sentence. Accordingly, the petition and motion to dismiss are dismissed without prejudice as moot.

ENTER: This 12th day of April, 2016.

Jackson L. Kiser
Senior United States District Judge